

ZANESVILLE CITY COUNCIL MEETING – MONDAY, JULY 24, 2017

The Zanesville City Council met in regular session at 7:00 p.m. on Monday, July 24, 2017 in the City Council Chambers, 401 Market Street, Zanesville, Ohio.

Mr. Vincent led those present in the Lord's Prayer and the Pledge of Allegiance to the Flag.

The following members of Council answered Roll Call: Ms. Gildow, Mrs. Osborn, Mr. Wolfe, Mr. Foreman, Mr. Roberts, Mrs. Gentry, Mrs. Norman, Miss Bradshaw, and Mr. Vincent. Mr. Baker was absent.

Mr. Roberts moved to excuse Mr. Baker and Mr. Foreman seconded the motion. A voice vote was taken with all in favor. None were opposed. Motion carries. Mr. Baker stands excused.

**APPROVAL OF MINUTES**

Mr. Roberts moved to accept the minutes as printed, seconded by Mrs. Osborn. Motion carries.

**COMMUNICATIONS, REPORTS, AND RESOLUTIONS**

Communication from Jay Bennett, Director of Public Services – City of Zanesville's Cemetery Division for 2017- 2<sup>nd</sup> Quarterly Report.

Mrs. Osborn moved to receive, seconded by Mr. Wolfe.

All present were in favor. None were opposed. Motion carries.

Resolution No. 17- 77 - Introduced by Council – A Resolution of the City of Zanesville, Ohio, requesting the Muskingum County Auditor to certify the total millage necessary to generate \$1.4 million dollars annually of property tax revenue for improvements to the City of Zanesville Transportation Network.

Ms. Gildow moved for first reading, seconded by Mrs. Gentry.

Mr. Roberts: This was discussed at length in the Public Service Committee. This is a fact finding mission to see what we would need to do to bring our streets up to where we would like to see them.

Mr. Vincent: All in favor of first reading signify by saying aye. All were in favor. None were opposed. The motion carries.

Resolution No. 17- 78 - Introduced by Council – A Resolution waiving rental fees for the “Imagine: A “Clean” Community Initiative”.

Ms. Gildow moved for first reading and it was seconded by Mr. Foreman.

Ms. Gildow moved to waive the readings and it was seconded by Miss Bradshaw.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

Mrs. Norman moved for passage, seconded by Miss Bradshaw.

Ms. Gildow: Just to take the opportunity to comment that this is something the public and the community needs to be aware of and try to mark it on the calendar to attend. It is free to the public and it relates to the opiate addiction epidemic that has hit every community including ours. It is a nationally renowned author that will be presenting. There are a lot of ancillary services that will be spot lighted as well. I can promise it will be educational for everybody.

It is September 13, 2017 at Secrest Auditorium.

Mr. Vincent said this is truly a crisis and epidemic. Last year he read 91 people are dying every day from drug addiction, opiate addiction. It is scary stuff and it is prevalent here.

Ms. Gildow added that if you know anybody that works as a first responder or in emergency services you know that locally we have been under siege. There are overdoses almost daily. It is not a law enforcement problem; it is a community problem.

Mr. Vincent said there are three to five overdoses a day in our area. It is frightening. Last year it was a different speaker and it was an excellent event. If you were unable to attend I think you will be very pleased by giving a portion of your evening to this event.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Resolution is passed.

**PROPOSED ORDINANCES**

Ordinance No. 17-79 - Introduced by Council – An Ordinance authorizing the assessment of liens against certain properties for demolition and clearance activities, and declaring an emergency.

Mr. Roberts moved to waive the readings and it was seconded by Mr. Wolfe.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

Mr. Wolfe moved for passage, seconded by Miss Bradshaw.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 17-80 - Introduced by Council – An Ordinance establishing solid waste disposal fees for the City of Zanesville, and declaring an emergency.

Mr. Roberts moved for first reading and it was seconded by Mr. Foreman.

Mr. Roberts moved to amend Ordinance 17-80 by removing the first Section Three that reads, “Effective August 1, 2017, there is hereby established”.

Mrs. Osborn seconded the motion.

A voice vote was held with all in favor. None were opposed. The motion carries.

Ordinance No. 17-80 as amended

Mr. Roberts said this went through the Public Service Committee and it was recommended to waive the readings and pass this legislation as an emergency.

Mr. Roberts moved to waive the readings and it was seconded by Mr. Wolfe.

Roll call vote on waiving of the readings.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries.

Mrs. Norman moved for passage, seconded by Mr. Wolfe.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

## **ORDINANCES FOR ACTION**

Ordinance No. 17-68 - Introduced by Council – An Ordinance to authorize and promote art displays in and on public spaces.

Mr. Foreman moved for third reading and passage, seconded by Ms. Gildow.

Mr. Vincent: I appreciate all the time that went into this, and I think the directions or guidelines are good and put us in a good place to help promote art in the downtown area.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 17-69 – Introduced by Council – An Ordinance authorizing the waiver of water tap fees associated with the development of Olga’s Children’s Garden.

Mr. Roberts moved for third reading and Mr. Foreman seconded the motion.

Mr. Roberts moved to amend Ordinance 17-69 by moving Section Three to Section Four and adding a new Section Three, “to reimburse the Water Department \$971.63 from Contingency Line 101•7951•53434 for the hard costs incurred in this tap”. Ms. Gildow seconded the motion.

Mr. Roberts said that was the recommendation from the Public Service Committee.

A voice vote was held with all in favor. None were opposed. The motion carries.

Ordinance 17-69 as Amended.

Mr. Foreman moved for third reading and passage, seconded by Mr. Wolfe.

Roll call vote for passage.

8 Ayes

0 Nays

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

Ordinance No. 17-72 – Introduced by Council – An Ordinance allowing a moral claim.

Mr. Roberts moved for third reading and passage, seconded by Ms. Gildow.

Mr. Wolfe: I have deliberated on this at great length and I certainly feel bad for what happened, but from what I read the City employees acted in good faith. From the information they had I don't believe they were negligent or acted in bad faith. The closest thing I can come up with is if you get your car repaired and they say they think it is one thing and they fix it and you go back the next day and they took it in and it is still doing what you took it in for originally you don't get your money back and so as long as they acted in good faith. So, it is unfortunate and I feel bad for the resident this happened to, but I don't think the City should be the backstop for each claim. If they acted in good faith and I believe in this case they did. On that basis, I plan to vote no, but I just thought some rationale should be discussed. Thank you.

Mr. Roberts: There is a recommendation from the Public Service Committee to pay this claim in the amount of \$1,682.86. The Water Department did say at the time they went out and checked and it took three times that they had to go out before they determined it wasn't on the property owner. Paul Mills, the Water Department Superintendent, did state that this was an oddity. Normally they don't run into situations like this. In past moral claims we have had the City at odds with the property owner. The superintendent was not really at odds with what the bill of goods was, presented on this claim.

Roll call vote for passage.

7 Ayes

1 Nays Mr. Wolfe

1 Absent Mr. Baker

Motion carries. Ordinance is passed.

## **TRAFFIC ORDERS**

None

## **MISCELLANEOUS AND UNFINISHED BUSINESS**

Mayor Tilton said in the summer time our children are out of school and most people think it is all they do is play and have fun. I have information from the Muskingum County Library System that 2,324 children and teens this year so far have read 23,758 books through the library system. I think they are doing something other than playing. I think that is great.

Mr. Vincent said that is wonderful. It keeps their minds active while away from school and helps them gain a love for books. It will serve them well through life. Thank you, sir; it is a nice piece of information and welcome back.

Mr. Foreman would like to add on to what the Mayor said. That was kind of born through collaboration between the library and National Roads. Some teachers had approached us and had the idea to piggy back with the free lunch program and at the parks and take books and let the children check those out. Part of that too is learning the responsibility of how it works to check out a book and bring it back. It is not about the book coming back. It is just about how that works and having someone to talk to about it. It has been a program that I hope we can replicate in the future because it has been very successful this year as the Mayor shared.

Ms. Gildow said similarly I would like to add and this may have been mentioned before, but a few of us on Council had an opportunity to go on a tour on the Z-Bus of the Community Gardens in the area and local kids are helping work on that. I think it is a huge opportunity for kids to learn to plant things and watch them grow. It is a good working experience and it gets them outdoors instead sitting in front of the TV sets and the video games. So I would like to thank all of those people involved in that including the businesses that have helped support it and just say I hope it continues because it is a plus and people in these neighborhoods are really excited about these gardens and they are actually using some of the vegetables for different events and lunches in the area.

Mr. Vincent said yes, this is a great thing. It is a great way to learn and I assume most people, like me, enjoy getting their hands in the dirt. There is something really good about that, good therapy.

## **PRIVATE PETITIONS AND COMMUNICATIONS**

### **Non-agenda item petitions filed**

Mr. Eric Jones, 221 Luck Avenue, Zanesville, Ohio 43701 speaking on Council's silence on, "repeal & replace".

Mr. Vincent: Mr. Jones, I hope this is related to things that Council can address and not federal laws related to healthcare.

Mr. Eric Jones: Do you mean I can't speak on healthcare that affects us?

Mr. Vincent: With that I encourage you and I hope that it is something that...(interrupted)

Mr. Jones: Well, does it affect Zanesville? Does repeal and replace affect Zanesville? If I may, let me explain how it will affect Zanesville. Let me start with the first disclosure. I am on Medicare and Medicaid. I want everyone to understand that. I am also for a single payer. We will get to that. Now, the repeal only or the repeal and delay, and/or the repeal and replace will hurt Zanesville. How will it hurt Zanesville? Well, it will take

away 25% of the money of the poor people of Zanesville; because people and Medicaid in Zanesville and if I understood the Mayor when he was speaking a while back over 60% of Zanesville is below the poverty level. So that is going to hit us quickly. Simple part of it is going to hit the regional hospital and I think that is 25% or 30% there. They are our largest employer. If you take away the gross income, sooner or later, your employees are going to be laid off or let go. Last but not least, 50% in the nursing homes. They are going to be taking old people and literally throwing them in the street. Some of them will be able to have family pick up the slack, but not a lot of them. Again, we are talking about poor people, a poor community, and a poor county; basically a poor state. It is poverty, folks. President Trump wants to hurt Zanesville, and therefore, I am opposed to President Trump. I am opposed to anybody who wants to hurt Zanesville. If the Mayor wanted to hurt Zanesville, I would be opposed to him, or you Mr. Vincent. I have to be. If you pick up on the opioid epidemic that Ms. Gildow was speaking about it affects that. Now, my suggestion is to get a Resolution from Council in opposition to repeal and replace. Now, I don't know what they are going to try to pass because they don't know what they are going to try to pass; but I know that whatever they try to do it is going to hurt Zanesville, and therefore, all of us should at least speak out against it. Either call your Congressman or call your Senator; but you as representatives of Zanesville have a duty to protect us when that comes up. I hope everybody got that. Thank you very much.

Mr. Vincent: Thank you, Mr. Jones.

Mr. Michael Wyatt, 1158 Selsam Street, Zanesville, OH 43701 speaking on assessments of liens for delinquent water and sewage. Speaking against Ordinance 17-73 Amended which passed on July 10, 2017.

Mr. Michael Wyatt: I am an American and I am a veteran. I will tell you this Ordinance here is so shameful. Who wrote this thing? It needs a good legal team to read and do the things they want to the district, liability, and registration. The property owners on 937.06 of the City of Zanesville Codified Ordinance indicates basically the bottom line if you own a home you can pay more on your utility bills that you are paying to own your house. This is getting out of sight. I mean either one or two things. You are either going to have to get your acts together. You are pumping water into the Muskingum River, tons of it from that super site down there. Who is paying for that? I mean, how do you put a lien against the City of Zanesville? Zanesville is wasting more water that the residents are wasting. How does the property owners, you are going to put a lien against their home if they don't pay their water bill. What about the tenants that people from out of town owns property and in here; are you going to put a lien against human flesh? How are you going to handle that? Basically, the bottom line is this ordinance here is just like out of the funny papers. You guys are better than that. You can do better than that. You ought to go back and look at this ordinance and rewrite it so that people that lives in this town has a fair chance of living. I mean, if you don't have a wage or a very limited wage and your water bill goes back a little ways, you are going to put a lien against their house? A lot of these guys, I don't know, I just don't see it. I think this is the worst thing I have ever seen. Now, let's list them. Now, who is going to pay

that? Is it going to be the landlords, the owners? Just like it said in 97 in the Ordinance that it outlines.

Mr. Vincent: Thank you, Mr. Wyatt. Your time is up, sir.

Mr. Wyatt: That figures.

Mr. Roberts: Mr. Wyatt, I

Mr. Vincent: Can you just address in general?

Mr. Roberts: I can address some of your concerns.

Mr. Wyatt: No, my time is over. I'm sorry, thank you.

Mr. Vincent: Mr. Roberts if you would like to provide some general education as far as the process that happened in committee.

Mr. Roberts: Just rough numbers I would say somewhere between maybe 85% and 95% of the assessments that came out of that list are due to landlord/tenant issues where the tenant has moved out and the water bill has been left unpaid and the landlord is going to be left footing the bill to pay the water bill up to date. So it is not really that much against any property owner.

Mr. Vincent: From what I recall is a lot of the landlords usually let it go in hopes the tenant will make it right and pay it and when it comes down to this it is this point then they end up paying it and unfortunately it is a cost of doing business and I know there are objections to that from landlords and the landlords association, but as far as the way it has been established in Zanesville, but they usually pay back then once it gets to this point is my recollection. Does that sound correct, Mr. Roberts?

Mr. Roberts: Correct.

Mr. Vincent: It went through quite a lot of discussion in your committee and I appreciate your time on that.

Ms. Gildow: Just another general comment, it seems to me it is much more fair and much more palatable that a property owner be held accountable than all of us as tax payers to pay where some individuals have been negligent in paying their obligation. I don't think it should then become the general public's obligation which is what would happen if the City didn't take steps like this. So it seems to me that it is the fairest way to address this.

Mr. Vincent: You helped me recall as far as when you were speaking that tenants then sometimes may not pay it and maybe at this point, but maybe when they go reestablish



service somewhere else in a new rental or new property then they catch that up then so they have service.

Ms. Gildow: Right, unlike other utilities the water bill obligations stays with the property owner. Whereas, if it is a rental situation other utilities the responsibility is that of a tenant and it doesn't go back on the property owner, but that is one reason why the City of Zanesville took steps to change the water billing cycle to every month instead of every other month so property owners would know sooner if there was a delinquency on the water bill.

Mr. Vincent: Yes, there has been a lot of discussion on that and the hopes it would make things better with smaller bills, more frequently, being monthly that was hopeful it would be helpful.

Mrs. Osborn: Just to add to that, I remember last year asking a lot of questions about this being my first time through this and these liens are filed as a batch and so the actual time and effort on the part of the City is minimal because they are filed as a batch.

Mr. Vincent: Thank you. Is there anything else from Council on that issue? I do appreciate the additional discussion tonight. There may have been some questions raised after what was presented this evening.

Ms. Gildow: Just to continue the City didn't go into this lightly. It has been well thought out, well researched, and there has been legal consultation so it is not something that's a frivolous move. It's very deliberate to hold people accountable where they should be.

Mr. Vincent: Thank you, Ms. Gildow. I thank you all again for your discussion on this and for refreshing us with the information.

Mrs. Osborn moved to adjourn and Mr. Roberts seconded the motion.  
Upon a voice vote with all in favor the motion carries.

Mr. Vincent: We stand adjourned. Thank you everyone and have a good evening. The meeting adjourned about 7:30 p.m.